

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARION DIAGNOSTIC CENTER, LLC, et al.,

Plaintiffs,

v.

BECTON, DICKINSON, AND CO., et al.

Defendants.

Case No. 3:18-cv-01059

Judge Nancy J. Rosenstengel

**AGREED MOTION TO EXTEND TIME
FOR ALL DEFENDANTS TO RESPOND TO PLAINTIFFS' AMENDED COMPLAINT**

Cardinal Health, Inc., by its undersigned attorneys, requests that this Court grant this agreed motion to extend the deadline for all Defendants to answer or otherwise respond to Plaintiffs' Amended Class Action Complaint, and states as follows:

1. Plaintiffs filed their original Class Action Complaint (Dkt. 1) on May 3, 2018.

The parties filed a consent motion to extend the date for Defendants to answer or otherwise respond to June 29, 2018. The Court granted that consent motion on May 24, 2018 (Dkt. 21).

2. Plaintiffs filed their Amended Class Action Complaint (Dkt. No. 52) on June 15, 2018. The Amended Class Action Complaint adds McKesson Medical-Surgical Inc. as a new Defendant. McKesson Medical-Surgical Inc. was served with the Amended Complaint on June 19, 2018.

3. Defendants request an extension of the deadline for answering or otherwise responding to the Plaintiffs' Amended Class Action Complaint from June 29, 2018, to July 20, 2018. This is the first request for an extension of time by Defendants to answer or otherwise respond to the Amended Class Action Complaint. This motion is not made for purposes of

delay, but to allow McKesson Medical-Surgical Inc. time to analyze the allegations and to coordinate with the other Defendants for its response to avoid duplicative briefing.

4. The Parties agree that the filing of this unopposed motion shall not constitute waiver of (a) any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, or (c) any other statutory or common law defenses that may be available to Defendants.

5. Counsel for Plaintiffs has been consulted and has agreed to this motion. Counsel for all Defendants have also been consulted and have agreed to this motion.

6. A draft order is attached to this Motion as Exhibit A and will also be submitted in a format compatible with Microsoft Word to NJRpd@ilsd.uscourts.gov.

Dated: June 25, 2018

Respectfully submitted,

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**[PROPOSED] ORDER EXTENDING TIME FOR ALL DEFENDANTS
TO RESPOND TO PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT**

IT IS HEREBY ORDERED, pursuant to the agreement of the parties, that the deadline for all Defendants to answer or otherwise respond to Plaintiffs' Amended Class Action Complaint is hereby extended to July 20, 2018.

Dated: June ___, 2018

The Honorable Nancy J. Rosenstengel
United States District Judge

CERTIFICATE OF SERVICE

I certify that I caused a copy of this Agreed Motion to Extend Time For All Defendants To Respond To Plaintiffs' Amended Class Action Complaint to be served on all counsel of record via the Court's Electronic Filing system.

/s/ Scott D. Quellhorst

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